REVISIONS TO MITIGATED NEGATIVE DECLARATION ND 11-06 BELMONT VETERAN'S MEMORIAL PIER BOAT MOORING PROJECT

The project revisions provided below are in response to a motion passed unanimously by the Long Beach Planning Commission at their December 21, 2006 public hearing, directing the project applicant to address environmental concerns raised by the public and members of the Planning Commission at this hearing.

Reduction of Mooring Buoys

The total number of mooring buoys for this project has been reduced from 90 buoys to 45 buoys. The distribution of these buoys in the three general mooring locations is anticipated to be 10 buoys east of the Pier, 20 buoys west of the Pier, and 15 buoys on the lee side of Island White.

Project Operator Responsibilities/City Oversight

The project operator will be a private contractor, Beach Ventures Incorporated. The operator responsibilities will be the installation and maintenance of the mooring equipment, enforcement of all Mooring Regulations, and provision of the project on-site program management (anticipated to involve at least 100 hours per week). The Marine Bureau of the Long Beach Department of Parks, Recreation and Marine will conduct City oversight of the operator, with assistance on an as-needed basis from the Long Beach Fire Department Rescue Boats and the Police Department Shore Patrol.

Revisions to Mooring Regulations

1. The following provisions have been added to the Schedule of Fees on page 7 of the User Regulations:

"The permit fee will cover the mooring and at-boat pumpout service. Other services will be available, including shoreboat service, at-boat trash removal, and use of landside shower facilities, at an additional nominal cost."

The at-boat pumpout services will be provided to all moored vessels on a request basis only.

2. Paragraph (i) of the Water Quality Regulations on pages 8 and 9 have been revised to read as follows:

"In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of these Water Quality Rules, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership

of control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered."

This paragraph, as revised, increases the order period for discharge from one to two years and retains a two year order period for the tampering or removal of dye tablets or performance of testing, thereby making all violations of the Mooring Regulations to a two year order period, effectively immediately.

Clarification of City Rights

The City of Long Beach, through the Marine Bureau, shall have the right to:

- Approve all mooring buoy locations
- Approve all mooring fees
- Approve all Mooring Regulations
- Require changes in the Mooring Project as needed

Clarification of Project Characteristics

- The Mooring Regulations will be incorporated into the operator concession contract
- The mooring system operations will be the most environmentally friendly mooring program available
- All vessels utilizing the mooring facilities and services must be seaworthy and not dilapidated
- The moorings are intended for short-term transient use with a maximum ten (10) night vessel stay
- The mooring permit fee includes on-call, at-vessel pumpout services.
- The blue dye tablet program is mandatory for all vessel marine sanitary devices
- The Mooring Regulations include strict discharge rules: no sewage, refuse or maintenance outfall can be discharged or thrown into the water. Any violation of the Mooring Regulations shall result in a two (2) year prohibition of the vessel and owner from use of the mooring facilities and services
- Loud noises and exterior lighting is prohibited after 10PM and before 7AM

Reponses to Environmental Concerns

Concern: The mooring project will attract additional boating vessels along the Long Beach coast

Response: Despite the fact that Long Beach celebrates recreation and its waterfront, and on-water recreation is a welcomed part of the City, it is anticipated that 70-80% of the mooring usage will be by vessels presently from Long Beach

Concern: There is an increased risk that this mooring project will attract boaters that discharge waste into the City waters

Response: The mooring permit fees will include on-call at-vessel marine sanitary device pumpout services. For an additional nominal fee, the mooring operator will remove solid refuse from vessels. Penalties for violation of the Mooring Regulations shall result in a two (2) year prohibition of the vessel and owner from use of the mooring facilities and services

Concern: Continuous water quality testing should be performed at and around the Pier to monitor potential project effects on local water quality.

Response: In accordance with AB 411, passed in 1997, the Long Beach Health Department's Recreational Water Program routinely tests local ocean water quality on a weekly basis. There are a total of 25 sampling points throughout the City, including locations off the Pier and on each side of the Pier. While there are no proposals to alter or discontinue this water quality testing, a new mitigation measure is recommended to require weekly water quality testing in the vicinity of the boat moorings (see Mitigation Measure IV-3 below).

ENVIRONMENTAL IMPACTS FROM MOORING PROJECT REVISIONS

The proposed project revisions will reduce the total number of mooring buoys by 50% (from 90 to 45 buoys). The added availability of at-boat pumpout services and at-boat trash removal, along with increased penalties for violation of the Mooring Regulations, will ensure an environmentally safe program that is anticipated to serve a predominately local boating community.

Since the project revisions would result in a smaller mooring vessel population with added water quality safeguards, there would be no new significant impacts or increased significance of any impacts previously identified in the Mitigated Negative Declaration (ND 11-06). Therefore, no additional environmental analysis is warranted.

While the original Mitigation Monitoring Program for ND 11-06 reduced all potentially significant project impacts to a less than significant level, the following new mitigation measures are recommended to protect Long Beach Harbor water quality.

Mitigation Measure IV-3 is recommended to require weekly water quality testing at the boat mooring locations:

Mitigation Measure IV-3: The City shall conduct weekly water quality testing in the immediate vicinity of all boat mooring locations in accordance with current Long Beach Health Department water quality testing standards. The findings of all testing done in the vicinity of the boat moorings shall be available to the public.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measures IX-3 through IX-9 are recommended to ensure that all operational safeguards in the City of Long Beach Mooring User Regulations will always be a requirement of project operations (regardless of any future revisions to the User Regulations). These new mitigation measures are taken from all operating requirements in the current User Regulations. If the User Regulations are amended in the future and these amendments provide more restrictive operational safeguards, the project approval must be modified by the Planning Commission at a public hearing to incorporate such restrictive amendments into the project Mitigation Monitoring Program.

Mitigation Measure IX-3: The following requirements set forth in the Vessel Moorings and Number of Vessel Moorings and Permits provisions from pages 3 and 4 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

No one person shall be assigned more than one revocable mooring use permit.

The Mooring Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee. The vessel occupying a mooring on a temporary basis must give up the mooring for any reason on the Mooring Master's order. The Mooring Master's order will be made known to the vessel owner or the operator in charge of the moored vessel.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-4: The following requirements set forth in the Revocable Mooring Vessel Permit and Application provisions from pages 4 and 5 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The payment of fees for the revocable permit entitles the permittee to preferred use of the assigned mooring. The permittee is required to notify the Mooring Master before 9:00 AM the day the permittee intends to use the mooring

assigned to him. Failure to do so shall place the Mooring Master under no obligation to remove a guest vessel.

The permittee is entitled to occupy the mooring in compliance with the conditions of the User Regulations and shall pay the stated daily rates.

The permittee will be responsible for the payment of any maintenance of the mooring system required to be performed by the Mooring Master.

The registered owner must provide proof of at least \$100,000 in liability insurance coverage on the vessel. The Mooring Master and the City of Long Beach must be named as additional insured on the liability insurance policy name.

No mooring shall be authorized as an eligible location for a live-aboard location. Use of a mooring for a live-aboard location is grounds for revocation of the mooring permit. The Mooring Master may require the revocable permit owner to provide proof of residence.

Mooring permits may be revoked for:

- 1. Use of mooring facilities in violation of City ordinances, Mooring User Regulations or other applicable laws;
- 2. Violation of conditions of any mooring permit;
- 3. Failure or refusal of the revocable permit owner to consent to dye testing of a vessel's marine sanitation facilities pursuant to these regulations; and
- 4. Discharge of contaminating wastes into City waters.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-5: The following requirements set forth in the Permit Priority provisions from page 6 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

City mooring permits are valid for a period not to exceed three years. New mooring permits will be issued annually based on priority and availability of moorings for assignment. Any person who was a permittee during the preceding year has priority for a mooring permit at the same mooring location provided that the permittee's vessel to be moored is the same size as the previous term and the permittee has met all requirements of this regulation.

Moorings will be assigned to the highest priority on the wait list as they become available after existing permittee assignments are made.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-6: The following requirements set forth in the General Regulations – Mooring Usage provisions from pages 6 and 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

Maximum duration for any vessel to occupy any mooring shall not exceed 10 (ten) days. After 10 days the vessel must be removed and cannot occupy a mooring again for a period of at least 10 (ten) calendar days. Further, no single vessel may occupy any mooring for more than 156 (one hundred fifty six) days in any calendar year.

Mooring Master will work with the Marine Bureau to ensure that a vessel is not moving from guest tie in the marina to mooring, effectively staying in the Long Beach area permanently with no permanent slip.

Except in an emergency, no person shall moor any vessel on a City Mooring without the prior permission of the Mooring Master and payment of the required mooring fees.

All generators shall be secured and shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. The foregoing restrictions shall not apply in cases of medical emergency.

If a vessel is abandoned of left unattended after the permitted period, the Mooring Master may have the vessel removed by the City Marine Safety Patrol or other authorized agency. The vessel will then be subject to the City Marine Bureau regulations and applicable state law. All expenses incurred will be the responsibility of the vessel owner.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-7: The following requirements set forth in the Schedule of Fees provisions from page 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The owner of a vessel shall pay to the Mooring Master for the use of Long Beach Mooring and its facilities and services, a permit fee of an amount specified in Attachment 1 of the User Regulations. The permit fee will cover the temporary use of a mooring. As part of the permit fee, the Mooring Master will be required to provide pump-out services and at-boat trash removal. Shoreboat services will be available at an additional nominal cost.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-8: The following requirements set forth in the Water Quality Regulations from pages 7 through 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

- (a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.
- (b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.
- (c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.
- (d) It shall be unlawful for any person to deposit, place, throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash, garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean, waterfront of Long Beach or upon the beaches of the City, or any portion thereof.
- (e) If shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, or ship to discharge, or cause to be discharged, any ballast water, bilge water or waste water continuing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

- (f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.
- (g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.
- (h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel occupying a City mooring shall, as a condition of use of the mooring, allow the Mooring Master to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful for any person to deny Mooring Master personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine sanitary device by Mooring Master, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by Mooring Master, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall result in revocation of permission to access the moorings. In addition to the penalties prescribed herein and in subsection (i), the Mooring Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City moorings.
- (i) In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of the Water Quality Rules of the User Regulations, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership or control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-9: The following requirements set forth in the General Release provisions from page 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

As consideration for being granted a revocable mooring permit, the permittee agrees to hold the Mooring Master, the Concessionaire, the Marine Bureau and the City of Long Beach harmless from all liability or damage and grants access to the permittee or the permittee's property occupying a mooring area.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine



CITY OF LONG BEACH

333 West Ocean Boulevard, 5th Floor

Long Beach, CA 90802

FAX (562) 570-6753

\$25.00 FILING FEE

ENVIRONMENTAL PLANNING

NOTICE OF PREPARATION

To: Office of the County Clerk **Environmental Filings** 12400 E. Imperial Highway, #1101 Norwalk, CA 90650

> From: Community & Environmental Planning Division Department of Planning and Building 333 West Ocean Boulevard, 5th Floor

Long Beach, CA 90802

Date Mailed:

In conformance with Section 15082 of the State CEQA Guidelines, please post this notice for period of 20 days. Enclosed is the required fee of \$25.00 for processing.

pu	otice is hereby given that the Long E rposes of CEQA, proposes to adopt slow:	Beach t a subsequent Negative Declaration for the project liste
1.	Project Location:	
2.	Project Title:	
3.	Project Description:	
4.	Review period during which the Lemitigated Negative Declaration:	ead Agency will receive comments on the proposed
	Starting Date:	Ending Date:
5	Public Meeting of the	

Location: City Council Chambers

Date:

Time:

Long Beach City Hall

333 West Ocean Boulevard, Plaza Level

- 6. Copies of the report and all referenced documents are available for review by contacting the undersigned or on the web at: www.longbeach.gov/plan/pb/epd/er.asp
- 7. The site is not on any list as enumerated under Section 65965.5 of the California Government Code.
- 8. The Initial Study may find significant adverse impacts to occur to the following resource areas:

9. The Negative Declaration has no significant impacts to occur.

For additional information contact:

333 West Ocean Boulevard, Floor Long Beach, CA 90802

CITY OF LONG BEACH

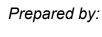
MITIGATED NEGATIVE DECLARATION

PROJ	IECT:	
l.	TITLE:	
II.	PROPONENT	
III.	DESCRIPTION	
IV.	LOCATION	
V.	HEARING DATE & TIME	
VI.	HEARING LOCATION	
FINDI	NG*:	
Common the er	nission has conducted an Initial Study to castillate and a significant adverse effect on the environ nission hereby finds that the proposed proportionment and does not require the preparation.	I Quality Act, the Long Beach City Planning letermine whether the following project may ment. On the basis of that study, the ject will not have a significant adverse effect or tration of an Environmental Impact Report he initial study have been added to the project.
Signa	ture:	Date:

* If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references.

This document and supporting attachments are provided for review by the general public. This is an information document about environmental effects only. Supplemental information is on file and may be reviewed in the office listed above. The decision making body will review this document and potentially many other sources of information before considering the proposed project.

INITIAL STUDY





City of Long Beach Community and Environmental Planning 333 West Ocean Boulevard, Fifth Floor Long Beach, California 90802

INITIAL STUDY

1.	Project title:
2.	Lead agency name and address:
3.	Contact person and phone number:
4.	Project location:
5.	Project sponsor's name and address:
6.	General Plan:
7.	Zoning:

8. Description of project:

9.	Surrounding land uses and setting:	
10.	Other public agencies whose approval is required:	

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics Agriculture Resources Air Quality

Biological Resources Cultural Resources Geology/Soils

Hazards & Hazardous Materials Hydrology/Water Quality Land Use/Planning

Mineral Resources National Pollution Discharge Noise

Elimination System

Population/Housing Public Services Recreation

Transportation Utilities/Service Systems Mandatory Findings of

Significance

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the Environment and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENT IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. A Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less than Significant with "Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 1 5063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the score of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
 - 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.





ENVIRONMENTAL CHECKLIST

Potentially V Significant M Impact II

Less Than Significant With Mitigation Incorporation

Less Than Significant Impact

No Impact

- I. **AESTHETICS –** Would the project:
 - a) Have a substantial adverse effect on a scenic vista?
 - b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
 - c) Substantially degrade the existing visual character or quality of the site and its surroundings?
 - d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
- II. AGRICULTURE RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:
 - a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
 - b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
 - c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?
- III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:
 - a) Conflict with or obstruct implementation of the applicable air quality plan?

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES - Would the project:

- a) Have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES - Would the project:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including Liquefaction?
 - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?

VII. HAZARDS AND HAZARDOUS MATERIALS –

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Potentially V Significant M Impact I

Less Than Significant With Mitigation Incorporation

Less Than Significant Impact

No Impact

VIII. HYDROLOGY AND WATER QUALITY – Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING – Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

X. MINERAL RESOURCES – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XI. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM – Would the project:

- a) Result in a significant loss of pervious surface?
- b) Create a significant discharge of pollutants into the storm drain or water way?
- c) Violate any best management practices of the National Pollution Discharge Elimination System permit?

XII. NOISE – Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XIII. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
- XIV. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - a) Fire protection?
 - b) Police protection?
 - c) Schools?
 - d) Parks?
 - e) Other public facilities?

XV. RECREATION -

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XVI. TRANSPORTATION/TRAFFIC – Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE -

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

DISCUSSION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS

a. Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact

The proposed project involves the installation of 90 new boat mooring buoys, with 30 mooring buoys each in three mooring locations: two on opposite sides of the Belmont Veteran's Memorial Pier and one to the leeward side of the Oil Island White. These mooring buoys would not have a significant visual impact on Long Beach Harbor and the moored vessels would be visually consistent with typical coastal viewscapes.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less Than Significant Impact

The project site is located in Long Beach Harbor, with two mooring areas close to the Belmont Veteran's Memorial Pier and one to the leeward side of the Oil Island White. While the Pier and Oil Island are considered to have local significance, neither structure is a designated historic structure.

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact

Please see I (a) above for discussion.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant With Mitigation Incorporation

The buoys floating at the top of each mooring and the anchored transient vessels are not expected to result in any significant light or glare impacts to either ocean or land based uses or activities. However, the use of nighttime lighting on any individual vessel could result in spillover effects, depending upon the intensity and direction of the lighting source. Therefore, the following mitigation measure is recommended to ensure

nighttime lighting from project operations would not generate any significance lighting impacts:

Mitigation Measure I-1: Nighttime lighting in all mooring areas shall be limited to the illumination necessary for navigational safety only.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

II. AGRICULTURE RESOURCES

No Impact (for a through c)

The project is not located within an agricultural zone, and there are no agricultural zones within the vicinity of the project. Project construction and operations would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

III. AIR QUALITY

The South Coast Air Basin is subject to possibly some of the worst air pollution in the country, attributable mainly to its topography, climate, meteorological conditions, a large population base, and highly dispersed urban land use patterns.

Air quality conditions are primarily affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, provide the links between air pollutant emissions and air quality.

The South Coast Air Basin generally has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona and Riverside.

The majority of pollutants normally found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are dominated by sources other than automobile exhaust.

a. Would the project conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?

Less Than Significant Impact

The Southern California Association of Governments has determined that if a project is consistent with the growth forecasts for the sub-region in which it is located, it is consistent with the Air Quality Management Plan (AQMP) and regional emissions are mitigated by the control strategy specified in the AQMP. This project would not generate new emissions from boating vessels or induce new vessel construction, but rather would simply provide another option for short-term mooring of existing vessels. As such, this project would not conflict with or obstruct implementation of the Air Quality Management Plan.

b. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?

Less than Significant Impact

Please see Section III (a) above for discussion. Project construction and operations will not generate new emissions from vessels but rather will accommodate existing vessels by providing short-term moorings.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less than Significant Impact

Please see Section III (a) and (b) above for discussion.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

No Impact

The <u>CEQA Air Quality Handbook</u> defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. The mooring buoys would not produce significant levels of any emission that could affect sensitive receptors nor be located nearby any land uses accommodating sensitive receptors (i.e., schools, hospitals).

e. Would the project create objectionable odors affecting a substantial number of people?

Less Than Significant Impact

The project would not create any new sources of objectionable odors. The project would not change the nature of boating operations and any emission odors from existing vessels would occur with or without the project.

IV. BIOLOGY

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact

In addition to local approvals, the project would require State and federal approvals. These approvals include issuance of a Coastal Development Permit from the California Coastal Commission in accordance with the California Coastal Act, issuance of a Clean Water Act Section 401 State Water Quality Certification, and issuance of a Rivers and Harbors Act Section 10 Permit. Processing of these approvals would also require compliance with the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fisheries Management Act and the completion of a survey for invasive seaweed not more than 90 days prior to the initiation of construction.

Merkel & Associates completed a Biological Resources Assessment for this proposed project in May 2006 (see Attachment B). For this study, an underwater survey was performed on March 8, 2006 for the Belmont Veterans memorial Pier (Pier) and Oil Island White at three locations: west of the Pier, east of the Pier and east of Island White. Data collected by SCUBA diving included depth, substrate type, and observed flora and fauna.

The majority of the Pier and Island White study areas are characterized by non-vegetated soft bottoms consisting of fine sand, loose mud, and silt. Few fish and invertebrates were observed on the soft bottom areas during this survey. The soft sediment showed signs of burrowing invertebrate activities, such as bivalves and crustaceans. The benthic invertebrate community within this study area is considered similar to other non-vegetated areas of Southern California bays and harbors. While fish were not observed in the open water column during this survey, it is likely that jack mackerel, Pacific barracuda, northern and deepbody anchovy, and topsmelt commonly occur throughout the survey area.

As shown in Table 1 of the Biological Assessment, the following protected species are considered potentially likely to occur within the project area: California brown pelican, double-crested cormorant, harbor seal, California sea lion, and California least tern. The gray whale is a protected species that is not considered likely to occur within the project area. None of these species were observed within or adjacent to the project site during the biological survey.

The major elements of project implementation that could potentially impact marine resources involve installation of the mooring buoys with driven helical anchors and the presence of permanently moored buoys with transient vessels. Driving the helical anchors would have minor impacts on the unvegetated soft bottom habitat and associated organisms in and around the anchor areas. The installation of the mooring anchors would result in limited short-term soft bottom habitat losses during the construction period. In addition, the mooring areas would be affected by the intermittent shading of transient vessels moored to the buoys. This vessel shading is unlikely to significantly affect the unvegetated soft bottom habitat.

The project would have both temporary and permanent effects on the open water column. These impacts may include temporary and localized increases in turbidity during installation of the helical anchors, although the impacted area is estimated to be limited to the surrounding bottom water column. This elevated turbidity is not expected to affect the local foraging success of fish and marine avian species. While many fish are attracted to elevated turbidity, other species may avoid this area. It is therefore unlikely that this temporary and localized turbidity would significantly affect the foraging of marine avian species.

There would be a permanent loss of open water habitat related to the mooring buoys, associated tackle, and moored vessels. The unavailability of open water habitat would decrease the foraging opportunities of piscivorous birds and fish assemblages. However, it is anticipated that

invertebrate and algal communities would colonize the mooring buoys and tackle. Fish, birds, and motile invertebrates may be attracted to associated prey items that develop on the mooring buoys and tackle.

The project area does not feature unique or rare habitats that if altered could result in impacts to sensitive species in the area due to alteration from project implementation. Temporary increased bottom water turbidity during installation of helical anchors would be unlikely to reduce the foraging efficiently of sensitive bird species that could potentially occur in the project area (California brown pelican, double-crested cormorant, and California least tern).

California brown pelicans were observed on the Pier and Island White, but are not expected to experience adverse effects from the mooring areas. The California least tern is observed in the Long Beach Harbor during its breeding season from April to October. The nearest nesting colony for the California least tern is at Pier 400 in the Port of Los Angeles. During breeding season, least terns favor foraging areas closer to the nesting colonies, and therefore given the distant location of the project area, it is not anticipated that project activities would result in a substantial alteration of use patterns by this species. The double-crested cormorant commonly forages in the open water of Long Beach Harbor. Due to the low density of the proposed moorings and the wide availability of habitat within the harbor, no significant impacts are anticipated to this species in its foraging patterns. Other marine avian species likely to occur in the project area would not lose habitat from the proposed project, given the availability of open water for foraging throughout the harbor area.

Harbor seals and California sea lions have been observed near the Pier and Island White on the existing docks and rock revetment. Gray whales and Pacific bottlenose dolphins have not been observed near the Pier or Island White, but have been observed inside the Long Beach Harbor breakwater. While these marine mammals may occasionally forage in the project area, the project is not anticipated to result in impacts to marine mammals given the availability of open water for foraging.

The Biological Assessment concludes that permanent impacts from the project would result in only a minor loss of the unvegetated soft bottom habitat and the transitory loss of open water habitat associated with vessels moored in the project area. The duration and exact location of this loss cannot be identified due to the transient nature of visiting vessels and variations in vessel positioning based on the tide, currents, and wind conditions. Temporary impacts would be minimal; resulting from noise associated with vessel installation and elevated turbidity on the seafloor during the installation of mooring anchors.

Given the low impact nature of the mooring installation technique, the lack of sensitive resources in the project area, the lack of limited or unique biota within the project footprint, and the anticipated recovery of resource values by reestablishment of similar or more productive communities around the mooring buoys, the project as proposed would not be anticipated to result in significant adverse biological impacts.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact

Please see Section IV (a) above for discussion.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?

Less Than Significant Impact

Please see Section IV (a) above for discussion. There would be no direct removal, filing, hydrological interruption or other adverse disruptions of navigable waters through project implementation.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant With Mitigation Incorporation

In order to ensure mooring construction will not significantly interfere with marine habitats, the following mitigation measure is recommended:

Mitigation Measure IV-1: Construction of the Boat Mooring Areas shall be conducted in a manner that protects water quality and marine habitat through strict adherence of the following construction practices:

- 1. Every mooring anchor shall be drilled into the ocean bottom by divers in the presence of a qualified marine biologist.
- 2. All mooring installation shall be conducted in daylight hours only.

- No construction materials, equipment, debris, or waste shall be placed or stored in any areas subject to wave, wind or rain erosion and dispersion.
- 4. Staging and storage of construction machinery and storage of debris shall not take place anywhere on the beach.
- 5. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- Disturbance to the ocean bottom and intertidal areas shall be restricted to the mooring anchor drilling locations only and shall be minimized in accordance with the direction and supervision provided by a qualified marine biologist during all installation activities.
- 7. Divers shall recover all non-buoyant debris discharged into coastal waters immediately after any discharge.
- 8. Sand from the beach, cobbles or shoreline rocks shall not be used for construction material.
- 9. At the end of all construction activities, all mooring areas shall be inspected by a qualified marine biologist to ensure that no debris, trash or construction material has been left on the beach or in the coastal water and that the moorings areas do not create any hazards to navigation.

In order to ensure project operations will not significantly interfere with marine habitats, the following mitigation measure is recommended:

Mitigation Measure IV-2: A Best Management Practices (BMP) Program shall be implemented in all mooring areas, which shall include, but not be limited to, the following:

- 1. All in-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
- 2. All in-water hull scaping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
- 3. The use of boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be prohibited in the boat mooring areas.
- 4. All trash, recyclables and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the coastal water or beaches.

5. Oil absorbent materials shall be examined at least once a year and replaced as necessary, with disposal of materials in accordance with all applicable hazardous waste disposal regulations. All boat mooring occupants shall regularly inspect and maintain all vessel engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Preventative engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services shall be used to clean oily bilge areas. The use of detergents or soaps that can be discharged by bilge pumps shall be prohibited.

It is anticipated that any potential impacts will be reduced to a less than significant level with incorporation of these two mitigation measures.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact

There are no applicable local policies or ordinances that would conflict with the proposed boat moorings in the Long Beach Harbor.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant Impact

Please see Section IV (a) above for discussion. The Biological Assessment (see Attachment B) concluded that permanent impacts from the project would result in only a minor loss of the unvegetated soft bottom habitat and the transitory loss of open water habitat associated with transient vessels moored in the project area. The project would not conflict with any local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES

There is some evidence to indicate that primitive people inhabited portions of the city as early as 5,000 to 2,000 B.C. Much of the remains and artifacts of these ancient people have been destroyed as the city has been developed. Of the archaeological sites remaining, many of them seem to be located in the southeast sector of the city. No adverse impacts are anticipated to cultural resources.

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?

No Impact

There are no historic resources in or around the project area. The project is located in Long Beach Harbor, consisting of coastal waters near the Pier and an oil island, neither of which are considered historical resources.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?

No Impact

The project site is located outside the area of the City expected to have the higher probability of latent artifacts. While the proposed project would involve excavation, it would not be expected to affect any archaeological resource.

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact

Please see Section V (a) and (b) above for discussion.

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

No Impact

Please see Section V (a) and (b) above for discussion.

VI. GEOLOGY AND SOILS

- a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact

Per Plate 2 of the Seismic Safety Element of the General Plan, no faults are known to pass beneath the site, and the area is not in the Alquist-Priolo Special Studies Zone. The most significant fault system in the vicinity is the Newport-Inglewood fault zone. Other potentially active faults in the area are the Richfield Fault, the Marine Stadium Fault, the Palos Verdes Fault and the Los Alamitos Fault. Because faults do exist in the City, "No Impact" would not be an appropriate response, but since the project location is not within a delineated fault zone area, a less than significant impact would be anticipated.

ii) Strong seismic ground shaking?

Less Than Significant Impact

The proximity of the Newport-Inglewood Fault could create substantial ground shaking at the proposed site if a seismic event occurred along the fault. However, there are numerous variables that determine the level of damage at a given location. Given these variables, it is not possible to determine the level of damage that may occur on the site during a seismic event. The project, however, does not involve any structures subject to the Uniform Building Code. No significant impact would be anticipated.

iii) Seismic-related ground failure, including Liquefaction?

No Impact

The proposed project is outside the area for potential liquefaction based upon Plate 7 of the Seismic Safety Element of the City's General Plan. No impact is anticipated.

iv) Landslides?

No Impact

Per the Seismic Safety Element, no landslides are anticipated to occur on the site of the proposed project. No impact would be anticipated.

b. Would the project result in substantial soil erosion or the loss of topsoil?

No Impact

The proposed project in the Long Beach Harbor would not result in any soil erosion.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact

Please see Section VI (a. iii) and (b) above for discussion.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact

The project site is located in coastal waters, not on soils.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?

No Impact

The project site is not located in an area were sewers exist or are utilized.

VII. HAZARDS AND HAZARDOUS MATERIALS

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact

The modified project would not involve the transport, use or disposal of hazardous materials and would not be anticipated to create any significant hazard to the public or the environment via the use, transport or disposal of hazardous materials. Mitigation Measure IV-2 in Section IV Biology would implement a Best Management Practices (BMP) Program that would prohibit release of hazardous materials into the ocean.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident

conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact

Please see Section VII (a) above for discussion.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact

The project is not located near any school facilities.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites. The Cortese List does not list the proposed project area (ocean) as contaminated with hazardous materials.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact

The proposed project area is not located within the airport land use plan.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact

Please see Section VII (e) above for discussion.

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact

The boat mooring patrons would be required to comply with all applicable Long Beach Harbor Patrol and Coast Guard regulations in the event of a mandatory evacuation from the mooring area due to natural (i.e., tsunami) or man-made (i.e., oil spill) disasters. Therefore, the project would not significantly impair or interfere with emergency evacuation plans.

h. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?

No Impact

The project area is in coastal waters and therefore would not expose people or structures to a significant risk of loss, injury or death involving wild land fires.

VIII. HYDROLOGY AND WATER QUALITY

The Flood Insurance Administration has prepared a new Flood Hazard Map designating potential flood zones, (Based on the projected inundation limits for breach of the Hansen Dam and that of the Whittier Narrows Dam, as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers) which was adopted in July 1998.

a. Would the project violate any water quality standards or waste discharge requirements?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV. Biology would reduce potential water quality standards to a less than significant level.

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact

The project is located in Long Beach Harbor and would have no impact on groundwater supplies.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

No Impact

Due to the project's location in Long Beach Harbor, there would be no erosion or siltation on or off the site.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?

No Impact

The project location in coastal waters would not result in flooding or upset and would not alter the proposed drainage infrastructure.

e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

No Impact

Please see Section VIII (c) and (d) above for discussion.

f. Would the project otherwise degrade water quality?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV. Biology would reduce potential water quality standards to a less than significant level.

g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact

The project site is located outside of the 100-year flood hazard area and no new impacts would occur from the proposed project.

h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact

Please see Section VIII (g) above for discussion.

i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact

The project area is not located where it would be impacted by flooding, nor is it located within proximity of a levee or dam and therefore no impacts to people or structures would occur.

j. Would the project result in inundation by seiche, tsunami or mudflow?

No Impact

Per Plate 11 of the Seismic Safety Element, the project area is not within a zone influenced by the inundation of seiche, tsunami, or mudflow.

IX. LAND USE AND PLANNING

a. Would the project physically divide an established community?

Less Than Significant With Mitigation Incorporation

The project area is not located in an established on-land community and therefore would not lead to physically dividing any existing community.

In terms of the boating community, project activities would be regulated by the City of Long Beach Mooring User Regulations (see Attachment C). The Mooring User Regulations set forth the mooring permit application requirements and the general regulations for mooring usage. All permits are issued by the Harbor Master and may be revoked for any breech of regulations. A revocable permit may only be issued to the registered

owner of an insured vessel for a period not to exceed three years. The maximum duration a vessel can occupy any mooring shall not exceed ten days. After ten days the vessel must be removed and cannot occupy a mooring again for a period of at least ten days. No single vessel may occupy any mooring for more than 156 days in any calendar year.

As set forth on page three of the Mooring User Regulations, the harbor Master shall in no case have more than 80% of the total number of moorings assigned with revocable permits at any one time. Not less than one-half of this 20% (10% of the overall total number of moorings) shall be unassigned and available for the general boating public and never more than one-half of the 20% (10% of total moorings) shall be designated for the use of the Harbor Master vessels. The Harbor Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee.

The operating conditions established by the Mooring User Regulations stipulate that permittees are responsible for the payment of any maintenance of the mooring system required to be performed by the Harbor Master. All generators shall be secured and shall not be operated between the hours of 10:00 PM and 7:00 AM. No more than two vessels are allowed to occupy any single mooring at any time. Vessels are allowed to side-tie while on a mooring with authorization of the Harbor Master, and each vessel is subject to the applicable fees as if on the mooring independently. Each individual vessel shall not exceed the allowable length for the specific mooring. It is unlawful for any person to discharge or deposit any materials that may cause harm to the navigable waters or beaches as set forth in the Water Quality Regulations specified on pages eight and nine of the Mooring User Regulations.

The Marine Bureau will operate a shore boat to provide daily shuttle services between the moorings and Belmont Pier from 8:00 AM to 10:00 PM on a demand basis. The shore boat will accommodate up to six passengers and be piloted by a licensed skipper.

The following mitigation measure is recommended to ensure the project will not create any significant impacts upon the boating community:

Mitigation Measure IX-1: The issuance of mooring permits and mooring usage operations shall be in strict compliance with the applicable City of Long Beach Mooring User Regulations.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant With Mitigation Incorporation

The project requires approval by the Long Beach Marine Advisory Commission and certification of this Mitigated Negative Declaration by the Long Beach Planning Commission. On April 13, 2006, the Long Beach Marine Advisory Commission unanimously approved this project.

In addition to local approvals, the project would require State and federal approvals. These approvals include issuance of a Coastal Development Permit from the California Coastal Commission in accordance with the California Coastal Act, issuance of a Clean Water Act Section 401 State Water Quality Certification, and issuance of a Rivers and Harbors Act Section 10 Permit. Processing of these approvals would also require compliance with the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fisheries Management Act and the completion of a survey for invasive seaweed not more than 90 days prior to the initiation of construction.

The following mitigation is recommended to ensure the project will not conflict with any applicable policies or regulations:

Mitigation Measure IX-2: The applicant shall obtain all applicable local, State and federal permit approvals prior to the start of project construction.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

c. Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?

Less Than Significant Impact With Mitigation Incorporation

Potential project impacts to any natural habitats or habitat communities would be mitigated to a less than significant level with incorporation of Mitigation Measures IV-1 and IV-2 in Section IV Biology and Mitigation Measures IX-1 and IX-2 above.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

X. MINERAL RESOURCES

The primary mineral resource within the City of Long Beach has been oil. However, oil extraction operations within the city have diminished over the last century as this resource has become depleted due to extraction operations. Today, oil extraction continues but on a greatly reduced scale in comparison to that which occurred in the past. The project site does not contain any oil extraction operations. Development of the proposed project would not be anticipated to have a negative impact on this resource. There are no other known mineral resources on the site that could be negatively impacted by development.

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact

The proposed project would not impact or result in the loss of availability of any known mineral resource.

b. Would the project result in the loss of availability of a locallyimportant mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact

Please see Section X (a) above for discussion.

XI. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)

a. Would the project result in a significant lose of pervious surface?

No Impact

The project area is located in coastal waters and therefore would not result in a significant loss of pervious surface.

b. Would the project create a significant discharge of pollutants into the storm drain or water way?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV Biology would reduce potential water quality standards to a less than significant level.

c. Would the project violate any best management practices of the National Pollution Discharge Elimination System permit?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV Biology would reduce potential water quality standards to a less than significant level.

XII. NOISE

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Measuring noise levels involves intensity, frequency, and duration, as well as time of occurrence.

The City of Long Beach uses the State Noise/Land Use Compatibility Standards, which suggests a desirable exterior noise exposure at 65 dBA CNEL for sensitive land uses such as residences. Less sensitive commercial and industrial uses may be compatible with ambient noise levels up to 70 dBA. The City of Long Beach has an adopted Noise Ordinance that sets exterior and interior noise standards.

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?

Less Than Significant With Mitigation Incorporation

Project construction would only involve the anchoring of moorings into the ocean floor, which would not generate any significant noise levels audible from coastal land uses. Project operations would generate no more noise than normal boating operations across navigable waters. Since mooring activities would occur off-shore rather than at on-dock boat slips, project operations would actually generate less noise to coastal land uses than boating activities at existing marinas.

The following mitigations are recommended to ensure the project will not create any significant noise impacts in the Long Beach Harbor vicinity:

Mitigation Measure XII-1: All project construction and operational activities shall be in strict compliance with the Long Beach Noise Ordinance.

Mitigation Measure XII-2: All construction, maintenance and repair of the boat moorings shall be in daylight hours only.

It is anticipated that any potential impacts will be reduced to a less than significant level with these two mitigation measures.

b. Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

Less Than Significant Impact

The project area in coastal waters would not expose persons to periodic ground borne noise or vibration impacts.

c. Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact

Please see Section XII (a) above for discussion. The project would not create permanent increases in ambient noise levels since the off-shore moorings would not result in new noise impacts to coastal and other inland areas.

d. Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant With Mitigation Incorporation

Mitigation Measures XII-1 and XII-2 would reduce potential temporary noise impacts to a less than significant level.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact

The project site is not located within any airport land use plan.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area excessive noise levels?

No Impact

The project site is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING

The City of Long Beach is the second largest city in Los Angeles County and the fifth largest in California. At the time of the 2000 Census, Long Beach had a population of 461,522, which presents a 7.5 percent increase from the 1990 Census. As of October 2005 (the latest available estimate), the Long Beach has a population of 491,564.

a. Would the project induce substantial population growth in an area, either directly or indirectly?

No Impact

The project simply provides another boat mooring opportunity for local boaters and does not directly or indirectly generate any housing or employment growth inducements that could lead to population growth.

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact

The off-shore moorings would have no impact on any existing housing units in the City.

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact

Please see Section XIII (b) above for discussion.

XIV. PUBLIC SERVICES

Fire protection is provided by the Long Beach Fire Department. The Department has 23 in-city stations. The Department is divided into Fire Prevention, Fire Suppression, Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

The Long Beach Police Department serves the project site. The Department is divided into Patrol, Traffic, Detective, Juvenile, Vice, Community, Jail, Records, and Administration Sections. The City has four Patrol Divisions; East, West, North and South.

The City of Long Beach is primarily served by the Long Beach Unified School District, which also serves the Cities of Signal Hill, and most of Lakewood. The District has been operating at or over capacity in recent years.

Would the proposed project have an adverse impact upon any of the following public services:

a. Fire protection?

Less Than Significant Impact

While the potential for boat fires could create demands on Coast Guard and Marine Bureau services, the construction and operation of off-shore boat moorings for existing vessels would not create any new significant demands on local fire protection services.

b. Police protection?

Less Than Significant Impact

The project is not growth inducing nor would it create any new demands on local services. While some vessels could be subject to activities necessitating law enforcement actions, the project would not create an environment conducive to criminal activity.

c. Schools?

No Impact

The project would not create any new housing units nor create conditions that would lead to new housing unit creation.

d. Parks?

No Impact

The project provides new off-shore moorings that allows for shuttle boat services between these moorings and Belmont Pier, which could bring more people to local beaches. However, it is not anticipated that this usage of coastal areas would create demand for additional park lands or park facilities.

e. Other public facilities?

No Impact

The project would not create any new significant demands on local library services or other local public services.

XV. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact

The project would not create any new impacts to parks or park facilities since all project construction and operations will occur off-shore in the Long Beach Harbor area.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact

Please see Section XV (a) above for discussion.

XVI. TRANSPORTATION/TRAFFIC

a. Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

No Impact

The project would not generate increases in vehicular traffic since the boat moorings are in navigable waters. Project operations do not involve vehicular trips beyond the existing vehicular trips from boaters to and from boat launch areas. The project is not considered growth inducing since it simply offers existing boaters another mooring option in addition to the existing local marinas.

b. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No Impact

Please see Section XVI (a) above for discussion.

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact

The project does not involve any aircraft or airport use.

d. Would the project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact

Please see Section XVI (a) above for discussion.

e. Would the project result in inadequate emergency access?

No Impact

The boat moorings would not impede emergency access by the Coast Guard or other public safety vessels.

f. Would the project result in inadequate parking capacity?

No Impact

Please see Section XVI (a) above for discussion.

g. Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact

Please see Section XVI (a) above for discussion.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project::

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact

The project would not place a burden on any utility or service system since the project is entirely located in navigable waters.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact With Mitigation

The proposed project could impact marine habitat and habitat communities. However, with mitigation incorporation the impact would be reduced to a less than significant level.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

No Impact

The proposed project is not anticipated to have a cumulative considerable effect on the environment since it would not generate any new housing or employment growth incentives. The project is not considered growth inducing for the boating community since it does not encourage new boat construction but rather simply offers another mooring option for existing boaters.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact

There are no substantial adverse environmental effects to human life either directly or indirectly related to the proposed project.

MITIGATION MONITORING PLAN MITIGATED NEGATIVE DECLARATION ND 11-06 BELMONT SHORE BOAT MOORINGS

I. AESTHETICS

Mitigation Measure I-1: Nighttime lighting in all mooring areas shall be limited to the illumination necessary for navigational safety only.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Coast Guard

Monitoring Agency: Department of Parks, Recreation and Marine

IV. BIOLOGY

Mitigation Measure IV-1: Construction of the Boat Mooring Areas shall be conducted in a manner that protects water quality and marine habitat through strict adherence of the following construction practices:

- 1. Every mooring anchor shall be drilled into the ocean bottom by divers in the presence of a qualified marine biologist.
- 2. All mooring installation shall be conducted in daylight hours only.
- 3. No construction materials, equipment, debris, or waste shall be placed or stored in any areas subject to wave, wind or rain erosion and dispersion.
- 4. Staging and storage of construction machinery and storage of debris shall not take place anywhere on the beach.
- 5. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- 6. Disturbance to the ocean bottom and intertidal areas shall be restricted to the mooring anchor drilling locations only and shall be minimized in accordance with the direction and supervision provided by a qualified marine biologist during all installation activities.
- 7. Divers shall recover all non-buoyant debris discharged into coastal waters immediately after any discharge.
- 8. Sand from the beach, cobbles or shoreline rocks shall not be used for construction material.
- 9. At the end of all construction activities, all mooring areas shall be inspected by a qualified marine biologist to ensure that no debris,

trash or construction material has been left on the beach or in the coastal water and that the mooring areas do not create any hazards to navigation.

Monitoring Phase: Project construction

Enforcement Agency: Department of Parks, Recreation and Marine

Coast Guard

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IV-2: A Best Management Practices (BMP) Program shall be implemented in all mooring areas, which shall include, but not be limited to, the following:

- 1. All in-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
- 2. All in-water hull scaping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
- 3. The use of boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be prohibited in the boat mooring area.
- 4. All trash, recyclables and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the coastal water or beaches.
- Oil absorbent materials shall be examined at least once a year and replaced as necessary, with disposal of materials in accordance with all applicable hazardous waste disposal regulations. All boat mooring occupants shall regularly inspect and maintain all vessel engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Preventative engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services shall be used to clean oily bilge areas. The use of detergents or soaps that can be discharged by bilge pumps shall be prohibited.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Coast Guard

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IV-3: The City shall conduct weekly water quality testing in the immediate vicinity of all boat mooring locations in accordance with current Long Beach Health Department water quality testing standards. The findings of all testing done in the vicinity of the boat moorings shall be available to the public.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

IX. LAND USE AND PLANNING

Mitigation Measure IX-1: The issuance of mooring permits and mooring usage operations shall be in strict compliance with the applicable City of Long Beach Mooring User Regulations.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-2: The applicant shall obtain all applicable local, State and federal permit approvals prior to the start of project construction.

Monitoring Phase: Prior to project construction

Enforcement Agency: Department of Parks, Recreation and Marine

Coast Guard

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-3: The following requirements set forth in the Vessel Moorings and Number of Vessel Moorings and Permits provisions from pages 3 and 4 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

No one person shall be assigned more than one revocable mooring use permit.

The Mooring Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee. The vessel occupying a mooring on a temporary basis must give up the mooring for any reason on the Mooring Master's order. The Mooring Master's order will be made known to the vessel owner or the operator in charge of the moored vessel.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-4: The following requirements set forth in the Revocable Mooring Vessel Permit and Application provisions from pages 4 and 5 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The payment of fees for the revocable permit entitles the permittee to preferred use of the assigned mooring. The permittee is required to notify the Mooring Master before 9:00 AM the day the permittee intends to use the mooring assigned to him. Failure to do so shall place the Mooring Master under no obligation to remove a guest vessel.

The permittee is entitled to occupy the mooring in compliance with the conditions of the User Regulations and shall pay the stated daily rates.

The permittee will be responsible for the payment of any maintenance of the mooring system required to be performed by the Mooring Master.

The registered owner must provide proof of at least \$100,000 in liability insurance coverage on the vessel. The Mooring Master and the City of Long Beach must be named as additional insured on the liability insurance policy name.

No mooring shall be authorized as an eligible location for a live-aboard location. Use of a mooring for a live-aboard location is grounds for revocation of the mooring permit. The Mooring Master may require the revocable permit owner to provide proof of residence.

Mooring permits may be revoked for:

- 1. Use of mooring facilities in violation of City ordinances, Mooring User Regulations or other applicable laws;
- 2. Violation of conditions of any mooring permit;
- 3. Failure or refusal of the revocable permit owner to consent to dye testing of a vessel's marine sanitation facilities pursuant to these regulations; and
- 4. Discharge of contaminating wastes into City waters.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-5: The following requirements set forth in the Permit Priority provisions from page 6 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

City mooring permits are valid for a period not to exceed three years. New mooring permits will be issued annually based on priority and availability of moorings for assignment. Any person who was a permittee during the preceding year has priority for a mooring permit at the same mooring location provided that the permittee's vessel to be moored is the same size as the previous term and the permittee has met all requirements of this regulation.

Moorings will be assigned to the highest priority on the wait list as they become available after existing permittee assignments are made.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-6: The following requirements set forth in the General Regulations – Mooring Usage provisions from pages 6 and 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

Maximum duration for any vessel to occupy any mooring shall not exceed 10 (ten) days. After 10 days the vessel must be removed and cannot occupy a mooring again for a period of at least 10 (ten) calendar days. Further, no single vessel may occupy any mooring for more than 156 (one hundred fifty six) days in any calendar year.

Mooring Master will work with the Marine Bureau to ensure that a vessel is not moving from guest tie in the marina to mooring, effectively staying in the Long Beach area permanently with no permanent slip.

Except in an emergency, no person shall moor any vessel on a City Mooring without the prior permission of the Mooring Master and payment of the required mooring fees.

All generators shall be secured and shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. The foregoing restrictions shall not apply in cases of medical emergency.

If a vessel is abandoned of left unattended after the permitted period, the Mooring Master may have the vessel removed by the City Marine Safety

Patrol or other authorized agency. The vessel will then be subject to the City Marine Bureau regulations and applicable state law. All expenses incurred will be the responsibility of the vessel owner.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-7: The following requirements set forth in the Schedule of Fees provisions from page 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The owner of a vessel shall pay to the Mooring Master for the use of Long Beach Mooring and its facilities and services, a permit fee of an amount specified in Attachment 1 of the User Regulations. The permit fee will cover the temporary use of a mooring. As part of the permit fee, the Mooring Master will be required to provide pump-out services and at-boat trash removal. Shoreboat services will be available at an additional nominal cost.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-8: The following requirements set forth in the Water Quality Regulations from pages 7 through 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

- (a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.
- (b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.

- (c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.
- (d) It shall be unlawful for any person to deposit, place, throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash, garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean, waterfront of Long Beach or upon the beaches of the City, or any portion thereof.
- (e) If shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, or ship to discharge, or cause to be discharged, any ballast water, bilge water or waste water continuing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.
- (f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.
- (g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.
- (h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel occupying a City mooring shall, as a condition of use of the mooring, allow the Mooring Master to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful for any person to deny Mooring Master personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine

sanitary device by Mooring Master, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by Mooring Master, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall result in revocation of permission to access the moorings. In addition to the penalties prescribed herein and in subsection (i), the Mooring Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City moorings.

(i) In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of the Water Quality Rules of the User Regulations, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership or control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-9: The following requirements set forth in the General Release provisions from page 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

As consideration for being granted a revocable mooring permit, the permittee agrees to hold the Mooring Master, the Concessionaire, the Marine Bureau and the City of Long Beach harmless from all liability or damage and grants access to the permittee or the permittee's property occupying a mooring area.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

XII. NOISE

Mitigation Measure XII-1: All project construction and operational activities shall be in strict compliance with the Long Beach Noise Ordinance.

Monitoring Phase: Project construction and operations Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure XII-2: All construction, maintenance and repair of the boat moorings shall be in daylight hours only.

Monitoring Phase: Project construction and operations Enforcement Agency: Department of Parks, Recreation and Marine Monitoring Agency: Department of Parks, Recreation and Marine